



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

MT

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/186,064	11/05/98	TOOMBS	HARI.127US0

LMC1/0822  
MAJESTIC PARSONS SIEBERT AND HSUE  
SUITE 1100  
FOUR EMBARCADERO CENTER  
SAN FRANCISCO CA 94111-4106

EXAMINER

MYERS, P

ART UNIT PAPER NUMBER

2781

10

DATE MAILED: 08/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/186,064

Applicant(s)

TOOMBS

Examiner

Paul R. MYERS

Group Art Unit

2781

☒ Responsive to communication(s) filed on 6/20/00☒ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11, 453 O.G. 213.

A shortened statutory period for response to this action is set to expire \_\_\_\_\_ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

- ☒ Claim(s) 1-27 is/are pending in the application.
- Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-27 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2781

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicants petition to correct the filing date has been noted. Application was forwarded to office of petitions upon completion of this office action.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 10-13 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Iijima PN 5,349,649.

In regards to claims 1, 11 and 23: Iijima teaches A memory card (1) for connecting to a master (7), comprising: a plurality of storage elements (2,3,40); and an interface (5) for communicating with the master (7), wherein data (data) and commands (command) are

Art Unit: 2781

transferred between the card (1) and the master (7); wherein said card (1) is capable of adapting to the master running one protocol (Protocol A or Protocol B) from a plurality of protocols (A or B).

In regards to claims 10 and 22: Iijima teaches the card is a memory storage device.

In regards to claims 12 and 24-25: Iijima teaches the reason for his invention is for connecting with masters that can only communicate in one protocol.

In regards to claim 13: Iijima teaches the adaptation of the card to the master being transparent to the master.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-9, 14-21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima PN 5,349,649.

In regards to claims 2-4, 14-16 and 26-27: Iijima teaches handling plural protocols. Iijima does not teach which specific protocols are supported. Official notice is taken that the MultiMediaCard protocol and the Serial Peripheral Interface protocols are well known standard

Art Unit: 2781

protocols. It would have been obvious to a person of ordinary skill in the art at the time of the invention to support these protocols because this would have made Iijima's card compliant to standards.

In regards to claims 5, 8, 9, 17, 20 and 21: Iijima teaches a common bus for transferring command and data. Iijima does not expressly teach the use of a select signal from the master. The serial peripheral interface (SPI) protocol is well known and described above. The SPI protocol includes select (CE), Data-in (SDI), Data-out (SDO) and Clock (SCLK) lines.

In regards to claims 6 and 18: Iijima teaches not needing a select signal. MultiMediaCard protocol does not require a select.

In regards to claims 7 and 19: Iijima teaches the bus including command, data, and clock lines.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

PN 5,537,360 to Jones et al teaches the signal lines of the Serial Peripheral Interface (SPI) Protocol.

8. Applicant's declaration withdrawing the MultiMediaCard specification Version 1.4 from prior art necessitated the new ground(s) of rejection presented in this Office action. Accordingly,

Art Unit: 2781

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul R. Myers whose telephone number is (703) 305-9656. The examiner can normally be reached on Mon-Fri from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648. The fax phone number for this Group is (703) 308-9051.

Application/Control Number: 09/186,064

Page 6

Art Unit: 2781

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Paul R. Myers  
August 18, 2000

A handwritten signature in black ink, appearing to read "Paul R. Myers", with a stylized flourish at the end.

**Paul R. Myers  
Patent Examiner**